



**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Serial No. : 10/790,931
Applicants : Takemori TAKAYAMA et al.
Filed : March 1, 2004
For : ROLLING ELEMENT AND METHOD
OF PRODUCING THE SAME
Art Unit : 1793
Examiner : Deborah YEE
Docket No. : 04005/HG
Customer No.: 01933
Confirm. No.: 3234

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP AF

S I R :

The owner of a 100% interest in the above-identified present
application, namely, the Assignee of record:

Assignee: KOMATSU LTD.

Assignment recorded on: March 4, 2004

Reel: 015047

Frame: 0396

hereby disclaims, except as provided below, the terminal part of
the statutory term of any patent granted on the above-identified

Express Mail Mailing Label

No.: EM 161 444 028 US

Date of Deposit: May 14, 2008

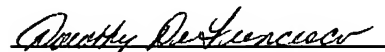
I hereby certify that this paper is
being deposited with the United States
Postal Service "Express Mail Post
Office to Addressee" service under
37 CFR 1.10 with sufficient postage
on the date indicated above and is
addressed to:

MAIL STOP AF

Commissioner for Patents.

P.O. Box 1450

Alexandria, VA 22313-1450


Dorothy DeFrancesco

In the event that this Paper is late
filed, and the necessary petition
for extension of time is not filed
concurrently herewith, please consider
this as a Petition for the requisite
extension of time, and to the extent
not tendered by Form PT0-2038 attached
hereto, authorization to charge the
extension fee, or any other fee
required in connection with this
Paper to Account No. 06-1378.

present application, which extends beyond the expiration date of the full statutory term (defined in 35 USC 154 to 156) of any patent granted on commonly owned pending reference application Serial No. 10/790,959, filed on March 1, 2004, as such term is defined in 35 USC 154 and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application.

The owner also hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and any patent granted on said pending reference application are commonly owned.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified present application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily

disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

This Agreement is to run with any patent granted on the present application and is to be binding upon the grantee, its successors or assigns.

The undersigned is an attorney of record of the above-identified present application Serial No. 10/790,931 and has been authorized to sign this Terminal Disclaimer on behalf of the above-identified owner.

Enclosed is a Form PTO-2038 in the amount of \$130 to cover the USPTO fee under 37 CFR 1.20(d). If any further fees are required, authorization is given to charge the same against Deposit Account No. 06-1378.

Date: May 14, 2008

By:



Richard S. Barth
Reg. No. 28,180
Attorney of Record

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.
220 FIFTH AVENUE, 16th FLOOR
NEW YORK, NEW YORK 10001-7708
Tel. Nos. (212) 319-4900
(212) 319-4551/Ext. 219
Fax No. (212) 319-5101
E-Mail Address: BARTH@FHGC-LAW.COM
Enc.: FORM PTO-2038